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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,914	04/03/2007	Barry Sim Hochfield	097158-0102	1319

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EXAMINER	
HESS, DANIEL A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
02/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/584,914	HOCHFIELD ET AL.	
	Examiner	Art Unit	
	DANIEL A. HESS	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/3/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to applicant's filing of 4/3/2007, which has been entered into the electronic file of record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sukeda et al. (EP 1113407 A) of record in the applicant's IDS of 4/3/2007.

Re claim 1: See all of Sukeda et al. but especially paragraphs 0014 to 0018. There is a programmable device, namely a smart card, that is capable of interfacing externally and running software, especially games. Paragraph 0018 of so relevant that is replicated below, with noteworthy portions emboldened by the Examiner.

> [0018] Through close examination of types of games to primarily run on smart cards that are not regarded as having complicated calculation capability, it is obvious that processes required to execute games are **"receiving data sent from the user via the terminal,"** "generating a random number," "simple **addition/subtraction,"** **"storing data,"** and **"data comparison and branching"** in combination that are iterated. If part of

an application program is made modular, that is, it is made up of **"components" that independently implement the above processes**, games can be defined in "**scripts**" like representation that defines sequence in which these components are called. Specifically, preparing processing modules, namely "components" to implement the processes required to execute games and **an "interpreter" for interpreting and executing scripts** in a single application program is essential. This makes it possible to run one of different games by selectively executing the game definition "scripts" generated outside the program.

What is available, then, is a script system with an interpreter that enables various low-level commands to be executed. This includes arithmetic commands (addition and subtraction). Further, the data involved may be at an accumulator (input buffer, see paragraph 0077 and 0078) or data files (local variable and work arrays, see paragraph 0075).

Re claim 2: Branching is seen at paragraph 0018, reprinted above.

Re claim 3: The 'Update Record' command in the claim corresponds to the 'storing data' command seen in paragraph 0018. The 'Read Record' command in the claim is a necessary part of the 'data comparison' command seen in paragraph 0018.

Re claim 6: There are (paragraph 0018 of Sukeda et al.) addition and subtraction operations available in Sukeda's scripting. Commands in Sukeda can involve both an

accumulator (i.e. input buffer for external commands, see paragraphs 0077 and 0078 of Sukeda et al.) and registers (local variable and work arrays, paragraph 0075 of Sukeda et al.)

Re claim 8: The limitations describe the essence of jumps and branches, which control the flow and selection of the next line of script to form what becomes a program. See paragraph 0077 of Sukeda et al. where jumps and branches available in Sukeda's scripting are seen to meet the claim limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sukeda et al. as applied to claim 1 above, in view of Breslin et al. (WO 03/049056), of record in the instant IDS and published prior to the instant invention.

Sukeda et al. teaches that a scripting language is used in the manner of the instant invention but is silent on the details of this scripting.

Breslin et al. teaches that the scripting in such a system can use XML.

In view of Breslin et al.'s teachings, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known XML in the scripting protocol because XML formatted commands are easily readable and easily processed

by an interpreter. Also, XML is very widely used in scripting and could even be considered a 'default' choice.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sukeda et al. as applied to claim 1 above, in view of machine languages.

The examiner observes that it is widely known that machine languages typically include logical operations such as AND, OR and XOR. The examiner can provide supporting references on request. [One example is the wikipedia article, "x86 assembly language" available at http://en.wikipedia.org/wiki/X86_assembly_language (see Integer ALU instructions heading). x86 processors have of course been around for decades.]

The value of logical operations in programming is speed: Logical commands (AND, OR, XOR) are the building blocks of all processors. Thus, a programmer wishing to build a highly efficient program (and this is certainly true for a game developer writing games for a smart card in Sukeda et al.) would value the logical operators in his toolkit. The ability to write fast and efficient scripts is why at the time of the invention, one would have been motivated to include logical operators in the scripting of Sukeda et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL A. HESS whose telephone number is (571)272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel A Hess/
Primary Examiner, Art Unit 2876